

HOUSE BILL No. 1116

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-12; IC 4-22-2.3.

Synopsis: State agency fines and penalties. Provides that a state agency may not assess a fine or civil penalty against a political subdivision or an officeholder unless a statute permits the fine or civil penalty. Prohibits a state agency from adopting a rule that allows a fine or civil penalty to be assessed against a political subdivision or officeholder unless a statute allows the fine or civil penalty. Requires a state agency to repeal or eliminate any rules that allow the agency to assess a civil penalty against a political subdivision or an officeholder unless a statute permits the fine or civil penalty.

Effective: July 1, 2008.

Steuerwald

January 8, 2008, read first time and referred to Committee on Government and Regulatory Reform.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1116

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-12 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 12. Penalties Assessed by State Agencies**

5 **Sec. 1.** As used in this chapter, "officeholder" means a person
6 who holds an elected office.

7 **Sec. 2.** As used in this chapter, "political subdivision" means a
8 county, city, town, township, school corporation, public library,
9 local housing authority, fire protection district, public
10 transportation corporation, local building authority, local hospital
11 authority or corporation, local airport authority, special service
12 district, special taxing district, or other type of local governmental
13 corporate entity.

14 **Sec. 3.** As used in this chapter, "state agency" means any
15 agency, authority, board, bureau, commission, committee,
16 department, division, institution, or other similar unit created or
17 established by act or resolution of the general assembly or by the

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executive order of an officer of the state.

Sec. 4. A state agency may not assess a fine or civil penalty against a political subdivision or officeholder unless a statute permits the fine or penalty to be assessed against a political subdivision or officeholder.

SECTION 2. IC 4-22-2.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 2.3. Penalties Assessed by State Agencies

Sec. 1. As used in this chapter, "officeholder" means a person who holds an elected office.

Sec. 2. As used in this chapter, "political subdivision" means a county, city, town, township, school corporation, public library, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, special taxing district, or other type of local governmental corporate entity.

Sec. 3. As used in this chapter, "state agency" means any agency, authority, board, bureau, commission, committee, department, division, institution, or other similar unit created or established by act or resolution of the general assembly or by the executive order of an officer of the state.

Sec. 4. A state agency may not adopt a rule allowing a fine or civil penalty to be assessed against a political subdivision or officeholder unless a statute permits the fine or civil penalty to be assessed against a political subdivision or officeholder.

Sec. 5. (a) This section does not apply to a rule that allows a state agency to assess a fine or civil penalty against a political subdivision or officeholder if a statute permits the fine or civil penalty to be assessed against a political subdivision or officeholder.

(b) Not later than July 1, 2008, a state agency shall, through a rulemaking proceeding under IC 4-22-2 or another agency proceeding, identify and eliminate or repeal any rules and policies that:

- (1) permit the state agency to assess a fine or civil penalty against a political subdivision or officeholder; or**
- (2) do not comply with this chapter.**

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